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EXAMINER

WANG, ALBERT C

ART UNIT

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2115

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,142

**Applicant(s)**

MAY ET AL.

**Examiner**

ALBERT WANG

**Art Unit**

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
- Paper No(s)/Mail Date 4/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. Original claims 1-23 are pending.

#### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
  - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
  - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
  - (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
  - (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
  - (f) BACKGROUND OF THE INVENTION.
    - (1) Field of the Invention.
    - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (g) BRIEF SUMMARY OF THE INVENTION.
  - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (i) DETAILED DESCRIPTION OF THE INVENTION.
  - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
3. The disclosure is objected to because of the following informalities: missing section headings.

Appropriate correction is required.

4. Claims 22 and 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. See *Ex parte Porter* 25 USPQ2d 1144, 1147.

***Claim Objections***

5. Claims 18, 19, 22 and 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-17, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Maleug et al., U.S. Patent No. 7,120,730 (hereinafter “Maleug”).

As per claim 1, Maleug teaches a method of accessing data from non-executable memory of a computing device, the method comprising providing a composite data file system comprising selected data copied from the non-executable memory to executable memory, in combination with further data remaining in the non-executable memory, and accessing the data in the composite data file system by accessing the selected data from the executable memory and

accessing the further data by selectively copying the further data to the executable memory (col. 3, lines 30-50; col. 4, line 55 - col. 5, line 40)

As per claims 2, 3, 5 and 6, Maleug teaches a boot loader allows for compression of data (col. 1, lines 51-56; col. 6, lines 13-30).

As per claim 4, Maleug teaches a method according to claim 1 or 2 wherein one part of the selected data is copied to the executable memory independently of another part of the selected data (col. 3, line 65 – col. 4, line 10).

As per claim 7, Maleug teaches a method according to claim 1 wherein the selected data comprises core operating system data for the computing device (col. 6, lines 13-30).

As per claims 8 and 9, Maleug teaches a method according to claim 7 wherein the core operating system data comprises program code for enabling boot-up of the computing device and access to read only file system (ROFS) data for the computing device (col. 2, lines 38-57; col. 4, lines 34-53).

As per claim 10, Maleug teaches a method according to claim 1 wherein the further data comprises read only file system data (col. 2, lines 38-57; col. 4, lines 34-53).

As per claim 11, Maleug teaches a method according to claim 10 wherein the further data comprises an executable program (col. 4, lines 11-20).

As per claim 12, Maleug teaches a method according to claim 10 or 11 wherein the further data comprises a dynamic link library (col. 3, line 65 - col. 4, line 10).

As per claim 13, Maleug teaches a method according to claim 1 wherein the selected data is in the form of one or more ROM images (col. 4, lines 55-67).

As per claim 14, Maleug teaches a method according to claim 1 wherein the location of at least one of the selected data and the further data within the non-executable memory is determined by reading an address from a section of the non-executable memory (col. 4, lines 55-67).

As per claim 15, Maleug teaches a method according to claim 1 wherein additional data is selectively copied to the executable memory in addition to the data in the composite data file system (col. 5, lines 1-9).

As per claim 16, Maleug teaches a method according to claim 15 wherein the additional data is selectively copied to the composite data file system (col. 5, lines 1-9).

As per claim 17, Maleug teaches a method according to claim 15 or 16 wherein the additional data comprises a language pack image (col. 3, line 65 – col. 4, line 10).

As per claim 20, Maleug teaches a method according to claim 1 wherein the non-executable memory is selected to comprise NAND flash memory (col. 1, lines 30-50).

As per claim 21, Maleug teaches a method according to claim 1 wherein the executable memory is selected to comprise random access memory (col. 1, lines 30-50).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT WANG whose telephone number is (571)272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

aw

/Thomas Lee/  
Supervisory Patent Examiner, Art Unit 2115